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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS® (PIOGLITAZONE)
PRODUCTS LIABILITY LITIGATION

MDL No. 6:11-md-2299

JUDGE DOHERTY

This Document Applies To:
Leach v. Takeda Pharmaceuticals
North America, Inc., et al
Civil Action No. 6:12-cv-00798

MAGISTRATE JUDGE HANNA

RULING

Pending before the court is a “Stipulation of Dimissal” [Rec. Doc. 251] filed by plaintiff Albert Leach. Mr. Leach indicates his desire to dismiss the instant action without prejudice, pursuant to Fed.R.Civ.P. 41(a)(2), without costs or fees to any party. Rule 41(a)(2) is implicated because the defendants in this matter have filed an answer [Rec. Doc. 24]. The rule provides that, after an opposing party has filed either an answer or motion for summary judgment, an action may be dismissed at the plaintiff’s request only by court order on terms the court considers proper.

During his appearance before Magistrate Judge Hanna on March 16, 2016, Mr. Leach indicated that he has not been diagnosed with bladder cancer and that he wished to dismiss his claim [Rec. Doc. 247]. As Mr. Leach did not subsequently file anything indicating his desire to dismiss his claim, Magistrate Judge Hanna ordered Mr. Leach to appear again, unless he filed a signed and dated stipulation of dismissal [Rec. Doc. 247], which he has now done [Rec. Doc. 251]. Considering the current status of this case, Mr. Leach’s statements that he has not been diagnosed with bladder cancer and wishes to dismiss his claims, and the terms of the requested dismissal – without prejudice and without costs or fees to any party – the Court grants Mr. Leach’s request.

IT IS HEREBY ORDERED the claims of Albert Leach are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED a copy of this Ruling be served on Mr. Jackson at his last known address, 3881 Eastview Drive, Harvey, LA 70058, via certified mail, return receipt requested.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 23rd day of February, 2017.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE